

**Transmittal Letter**

Application number: 10/604942

JAN 10 2003  
O I P E JC/JS  
PATENT & TRADEMARK OFFICE  
Title: BIOINFORMATICALLY DETECTABLE GROUP OF NOVEL VIRAL  
REGULATORY GENES AND USES THEREOF

First named inventor: Itzhak Bentwich

Machine format: IBM-PC

Operating system compatibility: MS-Windows

CDs:

Sequence Listing Copy 1 content:

Name:	Size (KB)	Creation date	Type
seq_list.txt	13,244	08/27/03	Sequence listing

Sequence Listing Copy 2 content:

seq_list.txt	13,244	08/27/03	Sequence listing
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Sequence Listing Computer Readable Format content:

seq_list.txt	13,244	08/27/03	Sequence listing
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30 SEP  
JULY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

**Itzhak BENTWICH**

Serial No: **10/604,942** Group Art Unit:  
Filed : **August 27, 2003** Examiner:  
For : **BIOINFORMATICALLY DETECTABLE GROUP  
OF NOVEL VIRAL REGULATORY GENES AND  
USES THEREOF**

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice dated September 29, 2004, Applicant encloses a copy of the "Notice", a Sequence Listing in Computer Readable Form including an unsealed padded and protective mailing envelope containing 3 CDs (Sequence Listing Copy 1, Sequence Listing Copy 2, Sequence Listing Computer Readable Form (CRF) with a signed Declaration that the 3 CDs have identical content; an Amendment of specification to cancel references to omitted drawings with a preliminary amendment support statement; and a transmittal letter describing the machine and operating system formats of the CDs and the contents and size of the file on each CD.

A two month extension of time is requested. Applicant submits a Credit Card Authorization Form to cover the fee of \$225.00.

Respectfully submitted,

Christopher J. McDonald

Reg. 41,533

January 7, 2005

HOFFMAN, WASSON & GITLER, PC  
2461 South Clark Street  
Crystal Center 2 - Suite 522  
Arlington, VA 22202  
(703) 415-0100

Attorney's Docket: 05-0007#3/cat

01/11/2005 MELAXCO 00030010 10604942

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JAN 16 2005  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/604,942	08/28/2003	Itzhak Bentwich	

**CONFIRMATION NO. 1941**

37808

ROSETTA-GENOMICS  
10 PLAUT-STREET SCIENCE PARK  
P.O. BOX 2061  
REHOVOT, 76706  
ISRAEL

**FORMALITIES LETTER**



\*OC000000013930317\*

Date Mailed: 09/29/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

The following item(s) appear to have been omitted from the application:

- Figure(s) 15A-3838D, 3839-90679 described in the specification.

- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 1 - ATTORNEY/APPLICANT COPY